



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007


December 5, 2023

**BY ECF**

The Honorable Lewis J. Liman  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

REQUEST GRANTED.

12/6/2023 SO ORDERED.

  
LEWIS J. LIMAN  
United States District Judge

**Re: *United States v. Miguel Diaz*, 23 Cr. 576 (LJL)**

Dear Judge Liman:

The Government writes in regard to the Court's December 6, 2023, Rule 16 discovery deadline. The Government requests permission for a partial extension of the deadline for the limited purpose of translating and transcribing a number of phone calls that were conducted in Spanish, in order to determine whether those calls should be disclosed to the defense.

On November 22, 2023, the Government completed an initial Rule 16 production that included, consistent with its representations at the initial conference in this case, copies of executed warrants, surveillance footage, video of the defendant's custodial interview, a forensic image of the defendant's seized cell phone, and a variety of other files. On December 6, the Government will produce the remaining documentary file currently in its possession and control, consisting in large part of law enforcement investigative documents, cell site location information, and additional body-worn camera footage it has located, as well as other files. The Government will, of course, continue to comply with its Rule 16 and *Brady* obligations on a rolling basis as additional information comes into its possession and control.

Today the Government became aware that a portion of telephone calls [REDACTED] —and which the Government obtained—were conducted in Spanish, and have not yet been translated by the FBI.<sup>1</sup> Although the Government does not currently expect “to use the [calls] in its case-in-chief at trial,” in order to confirm that their contents are not otherwise “material to preparing the defense,” and do not contain any *Brady*

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<sup>1</sup> The substance of the limited information the source provided to the Government—which the Government also does not intend to use in its case-in-chief, and which produced no other investigative leads—is contained in a warrant affidavit that has already been provided to the defense. Approximately 25 of the 29 calls in question appear to have been conducted primarily in Spanish.

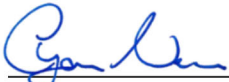
information, Fed. R. Crim. P. 16(a)(1)(E); 373 U.S. 83 (1963), the Government respectfully requests that the Court permit the deadline for the production of the calls—if indeed they must be produced under Rule 16 or *Brady*—to be extended until such a time as the calls can be translated.

The Government expects to designate any such calls that are produced as for “Attorney’s Eyes Only” under the protective order entered in this case. The Government has conferred with defense counsel, who consents to this request.

Consistent with the Court’s Individual Practices in Criminal Cases, Paragraph 8(E)(ii), the Government has made limited redactions to this letter to protect “information regarding an individual’s cooperation with the government.” An unredacted copy of this letter has been provided to Chambers and defense counsel.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

By:   
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Ryan T. Nees  
Assistant United States Attorney  
Tel: (212) 637-1595

cc: Marisa Cabrera, Esq. (by ECF)